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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                  | CONFIRMATION NO.       |
|--|-------------|----------------------|--------------------------------------|------------------------|
| 10/663,997   | 09/17/2003  | Soon Jo Lee          | 9988.058.00-US                       | 1982                   |
| 30827  | 7590        | 02/18/2009           |                                      |                        |
| MCKENNA LONG & ALDRIDGE LLP<br>1900 K STREET, NW<br>WASHINGTON, DC 20006 |             |                      | EXAMINER<br>GRAVINI, STEPHEN MICHAEL |                        |
|  |             |                      | ART UNIT<br>3743                     | PAPER NUMBER           |
|  |             |                      | MAIL DATE<br>02/18/2009              | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                       |                                   |  |
|------------------------------|---------------------------------------|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/663,997  | <b>Applicant(s)</b><br>LEE ET AL. |  |
|                              | <b>Examiner</b><br>Stephen M. Gravini | <b>Art Unit</b><br>3743           |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Preliminary matter*

An appeals conference was held on January 21, 2009. It was determined that the conferees do not agree that the application is ready for appeal, but agree that the application is not yet ready for issue. What follows is examination of the pending claims under pertinent prior art.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 103***

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lickiss et al. (US 5,971,510) in view of Carr (US 4,669,200). The claims are reasonably and broadly construed, in light of the accompanying specification, to be disclosed by Lickiss as comprising:

- a base forming a floor of a body (bottom of figure 1);
- a front cabinet forming a front portion of the body (front of figure 1);
- a side cabinet forming a side portion of the body (side of figure 1);
- a back cover forming a back portion of the body (back of figures 1 and 2);
- a control panel **18** having a hook **26** or **28**, the hook having a first end disposed on a surface of the control panel and a second end (best seen in figure 3);
- a top cover **14** forming a top of the body wherein the top cover has a predetermined curvature (right of figure 3), and wherein the control panel is provided on a rear portion of the top cover also (figure 3), the top cover comprising a groove **32** or

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**36** provided at rear portion of the top cover (figure 2), wherein the second end of the hook inserts into a hole **30** or **31** disposed in the group in the top cover; or alternatively:

- a body as shown (figure 1);

- a top cover covering the body (top of figure 1), the top cover including:

- a groove **32** or **36** which runs along a width of the top cover wherein the groove directs fluid on the top cover toward an exterior of the laundry dryer;

- at least one hole **30** or **31** disposed in the groove;

- a control panel **18** including a hook **26** or **28** disposed at a surface of the control panel opposite the top cover wherein the hook is configured for insertion into the at least one hole (figures 2, 3, and 4). Lickiss also discloses the claimed firewall has the same predetermined curvature as the top cover (figure 3), wherein the groove is provided along a rear side of the top cover and the groove has the same predetermined curvature as the top cover (figure 4), and wherein the top cover has a curvature (figure 3). Lickiss discloses the claimed invention, except for the claimed fire wall made of metal disposed below the second end of the hook inserted into the groove in the top cover and the firewall directing fluid toward an outside of the body when fluid leaks through the hole or fire wall disposed below the top cover; wherein the firewall has a curvature such that if a fluid leaks through the hole onto the firewall, the fluid is directed toward an outside of the body. Carr, another clothes dryer, discloses those features in figured 2, 3 and 5 and at column 2 lines 18 through column 3 line 63. Furthermore, it would have been an obvious matter of design choice to provide the claimed metal wall since the wall of Lickiss in view of Carr would perform the invention as claimed

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regardless of the type of wall material. Also, one skilled in the art would recognize that the laws of gravity would apply the teachings of Lickiss in view of Carr such that any fluid leaking through the hole or firewall would fall downward and outside the disclosed body, because if gravity did not apply then fluid would not flow outside the dryer body and the clothes dryer would not dry clothes due to the downward flowing fluid.

### ***Double Patenting***

Claims 1-5 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-20 of US Patent Application No. 11/792,240 in view of Carr. Applicants' assignee copending application recites the same claimed invention except for the claimed fire wall made of metal disposed below the second end of the hook inserted into the groove in the top cover and the firewall directing fluid toward an outside of the body when fluid leaks through the hole or fire wall disposed below the top cover; wherein the firewall has a curvature such that if a fluid leaks through the hole onto the firewall, the fluid is directed toward an outside of the body. Carr, another clothes dryer, discloses those features in figured 2, 3 and 5 and at column 2 lines 18 through column 3 line 63. Furthermore, it would have been an obvious matter of design choice to provide the claimed metal wall since the wall of applicants' assignee copending application in view of Carr would perform the invention as claimed regardless of the type of wall material. Also, one skilled in the art would recognize that the laws of gravity would apply the applicants' assignee copending application in view of Carr such that any fluid leaking through the hole or firewall would fall downward and outside the disclosed body, because if gravity did not apply then fluid

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would not flow outside the dryer body and the clothes dryer would not dry clothes due to the downward flowing fluid.

### ***Response to Arguments***

Applicants' arguments filed December 8, 2008 have been fully considered but are moot on new grounds of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth B. Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen M. Gravini/

Primary Examiner, Art Unit 3743